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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,673	07/06/2001	Ralf Duckeck	10191/1951	6734
26646	7590	05/19/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			NGUYEN, HUNG T	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/900,673

Applicant(s)

DUCKECK, RALF

Examiner

Hung T. Nguyen

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 14 and 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 14 and 16-29 is/are allowed.
- 6) ☒ Claim(s) 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 30 is rejected under 35 U.S.C. 102(e) as being anticipated by Theimer et al. (U.S. 6,240,363).

Regarding claim 30, Theimer discloses a method for determining and outputting travel instructions for a travel route from a starting point (Z1) to a destination (Zn), in particular for

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vehicle operators using of public transportation / a navigation device (10) [figs.1, 2a & 8, col.4, lines 6-27, col.6, lines 4-12 and abstract] comprising:

- connecting an arithmetic unit (15) at least temporarily with a central station (12) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32];
- transmitting (11) the starting point (Z1) and the destination (Zn) to the central station (12) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32];
- determining the travel route by the central station (12) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 59];
- determining a sequence of travel instructions by the central station (12) by a computer (14) from the travel route [figs.1, 2a, 8, col.4, lines 6-15 and col.4, line 66 to col.6, line 12];
- the sequence of travel instructions is determined or controlled by the central station (12) in the form of the central computer (14) via radio network is remotely located to provide any travel route instructions and transmitted to the arithmetic unit (15) as requested by a vehicle operator [figs.1-8, col.4, lines 6-15 and col.4, line 66 to col.6, line 12];
- transmitting (11) the sequence of travel instructions is transmitted from the central station (12) to the arithmetic unit (15) [figs.1, 2a, 8, col.4, lines 6-15 and col.4, line 66 to col.6, line 12];
- storing / memory (16) the sequence of travel instructions in the arithmetic (15) [figs.1,8, col.4, lines 6-15 and col.4, line 66 to col.5, line 32] and
- outputting (18) the travel instructions by the arithmetic (15), one after the other, in accordance with the sequence of travel instructions [figs.1-2, 8, col.4, lines 6-15 and col.5, line 45 to col.6, line 12];

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- updating the stored sequence of the travel instructions during the specifiable period of time by a user [col.3, lines 16-32 , col.5, lines 4-9];
- assigning position (20) on the travel route to the travel instructions [figs.2-8, col.3, lines 54-58 and col.5, line 45 to col.6, line 12];
- inputting (17) into the arithmetic unit (15) by a user a fact of reaching a position as input unit (17) into the arithmetic unit as MCU unit (15) by a user a fact of reaching a position of a travel route as a user or driver may enter the position data for the point A as the starting point and position data for the B as the destination point via input unit (17) into the navigation device (10) is connected with the MCU unit (15) [fig.1, col.5, lines 10-59]; and
- outputting (18) the travel instructions as a function of a position that is input (17) [figs.1-2, col.3, lines 54-58 and col.5, line 10 to col.6, line 12].

Allowable Subject Matter

3. Claims 1, 14 & 16-29 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:

There is no prior art that shows the claimed outputting travel instructions for a travel route from a starting point to a destination comprising features of the sequence of the travel instructions are continued to be stored in the central station after a first retrieval for a specifiable period of time and the stored sequence of the travel instruction are updated during the specifiable period of time.

Arguments & Responses

5. Applicant arguments from RCE filed on Feb. 14, 2005 have been fully considered but they are not persuasive reasons.

Applicant Arguments:

a) The applicant states that the Theimer's reference fails to disclose inputting into an arithmetic unit by a user a fact of reaching a position of a travel route.

Response to arguments:

a) The Theimer's reference clearly discloses the limitations as input unit (17) into the arithmetic unit as MCU unit (15) by a user a fact of reaching a position of a travel route as a user or driver may enter the position data for the point A as the starting point and position data for the B as the destination point via input unit (17) into the navigation device (10) is connected with the MCU unit (15) [fig.1, col.5, lines 10-59]; and

- outputting (18) the travel instructions as a function of a position that is input (17) [figs.1-2, col.3, lines 54-58 and col.5, line 10 to col.6, line 12].

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ashby et al. (U.S. 6,336,111) Support for alternative names in a geographic database used with a navigation program and methods for use and formation thereof.
- Petzold (U.S. 6,498,985) Method for multimedia supported navigation and navigational device.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 8:00am to 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hofsass, Jeffery can be reached on (571) 272-2981. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



Examiner: Hung T. Nguyen

Date: May 5, 2005